S.B. CRIMINAL REVISION PETITION NO.1141/2007.

(SURAJMAL VS. STATE & ORS.)

DATE OF ORDER : 10.12.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. R.R. Vyas for the petitioner.

By this revision petition under Section 397 read with Section 401 Cr.P.C., a challenge is given to the judgment and order dated 29.06.2007, whereby after convicting the respondents No. 2 and 3, learned Additional Sessions Judge, Nimbahera awarded the sentence of three years' R.I. to accused Ram Narain with a fine of Rs.1,000/- for commission of an offence under Section 307IPC and also awarded sentence of three years' R.I. with a fine of Rs.1,000/- to accused Rajmal on finding him guilty for commission of offence under Section 307/34 IPC.

The contention of counsel for the petitioner is that the sentence awarded is too meager and disproportionate to the offence for commission of that the accused persons were found guilty. It is asserted that the accused persons made an intentional injury of a sharp edged weapon, that was sufficient to cause death in normal circumstances and, therefore, maximum punishment prescribed for commission of offence under Section 307 IPC should have been given.

I have perused the judgment impugned and am no doubt that the respondents were found guilty for commission of an offence under Section 307 and 307/34 IPC, however, learned trial court while exercising judicious discretion, awarded sentence of three years' R.I. With fine looking to the fact that the accused persons and the complainant are close relatives. It is also apparent from the facts averred in the judgment impugned that the accused persons are not habitual offenders or criminal by nature. The act for which they have been convicted is an out-come of certain spontaneous events relating to payment of money. While exercising my revisional jurisdiction, I do not consider it appropriate to interfere with the sentence awarded by the trial court while exercising judicious application of mind.

The revision petition is accordingly dismissed.

(GOVIND MATHUR)J.

Anil/